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By: **Senator Currie**  
Introduced and read first time: February 23, 2004  
Assigned to: Rules  
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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 31, 2004

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2                                   **Transportation - State Highway Administration - Sale of Land Not Needed**  
3                                   **for Public Purposes**

4 FOR the purpose of altering the procedures by which the State Highway  
5 Administration is authorized to dispose of certain surplus property; establishing  
6 the right of certain persons to reacquire certain surplus property under certain  
7 terms and conditions and for a certain price under certain circumstances;  
8 providing for the termination of this Act; and generally relating to the disposal  
9 of certain surplus property by the State Highway Administration.

10 BY repealing and reenacting, without amendments,  
11 Article - Transportation  
12 Section 8-309(a)  
13 Annotated Code of Maryland  
14 (2001 Replacement Volume and 2003 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article - Transportation  
17 Section 8-309(b) and (c)  
18 Annotated Code of Maryland  
19 (2001 Replacement Volume and 2003 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

1

**Article - Transportation**

2 8-309.

3 (a) The purpose of this section is to return unneeded land to the tax rolls of the  
4 counties and to make this land available for use by a county or municipality for any  
5 transportation purpose.

6 (b) (1) Notwithstanding any other statute to the contrary, if land acquired  
7 under this subtitle is not needed for present or future State, county, or municipal  
8 transportation purpose or other public purposes, the Administration shall dispose of  
9 the land as soon as practicable after the completion or abandonment of the project for  
10 which the land was acquired.

11 (2) (i) 1. ~~IF EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS~~  
12 SUBPARAGRAPH, IF the land is from a project that was abandoned, and the Secretary  
13 determines that the property is no longer needed for any State transportation  
14 purpose, a county or municipality may acquire the land for a transportation purpose,  
15 with the approval of the Secretary, on payment of an amount equal to the lesser of:

16 ~~1. A.~~ The appraised value of the land; or

17 ~~2. B.~~ The consideration that the Administration or Commission  
18 originally paid for the land, plus simple interest at the fair market rate calculated  
19 from the time of acquisition to the time of disposition and administrative costs; ~~2.~~  
20 ~~EXCEPT THAT~~

21 2. NOTWITHSTANDING ANY SUBSEQUENT CONTRARY  
22 STATUTORY LAW OR RULE OF COMMON LAW, IF THERE IS A WRITTEN CONTRACT OR  
23 DEED EXECUTED AFTER JANUARY 1, 1970 JANUARY 1, 1978 AND BEFORE JANUARY 1,  
24 1980, BETWEEN THE ADMINISTRATION OR THE COMMISSION AND THE PERSON FROM  
25 WHOM THE LAND WAS ACQUIRED, OR THE SUCCESSOR IN INTEREST OF THAT  
26 PERSON, WHICH GRANTS TO THAT PERSON, OR THE SUCCESSOR IN INTEREST OF  
27 THAT PERSON, THE RIGHT TO REACQUIRE THE PROPERTY, THE TERMS AND  
28 CONDITIONS OF THAT WRITTEN CONTRACT OR DEED SHALL PREVAIL WITH RESPECT  
29 TO THE PROPERTY IN ITS ENTIRETY OR WITH RESPECT TO ANY RESIDUAL OR  
30 REMAINDER PORTION OF THE PROPERTY, NOTWITHSTANDING ANY SUBSEQUENT  
31 CONTRARY STATUTORY LAW OR RULE OF COMMON LAW.

32 (ii) If the land is not needed for a county or municipal  
33 transportation purpose, the person from whom the land was acquired or the successor  
34 in interest of that person has the right to reacquire the land, on payment of an  
35 amount equal to the lesser of:

36 1. The appraised value of the land; or

37 2. The consideration that the Administration or Commission  
38 originally paid for the land, plus simple interest at the fair market value calculated  
39 from the time of acquisition to the time of disposition and administrative costs.

1 (iii) If neither of these rights is exercised, the land shall be disposed  
2 of under this section in the same manner as if the land were from a project that has  
3 been completed or otherwise as permitted by this section.

4 (c) (1) (i) As to land from a completed project:

5 1. RESIDUAL LAND FROM A COMPLETED PROJECT SHALL BE  
6 TREATED IN THE SAME MANNER AS UNUSED PROPERTY FROM A COMPLETED  
7 PROJECT, AND THE PERSON FROM WHOM THE LAND WAS ACQUIRED, OR THE  
8 SUCCESSOR IN INTEREST OF THAT PERSON, MAY REACQUIRE THE RESIDUAL OR  
9 REMAINDER OF THE PROPERTY IN ACCORDANCE WITH THIS SUBSECTION;

10 [1.] 2. The Administration shall notify the person from  
11 whom the land was acquired, or the successor in interest of that person, within 30  
12 days after making a determination that the land is not needed by the Administration  
13 and that the land is available for reacquisition;

14 [2.] 3. Within 5 years from the date the land was acquired,  
15 the person from whom the land was acquired, or the successor in interest of that  
16 person, may reacquire the land, on payment of an amount equal to the consideration  
17 that the Administration or Commission originally paid for the property; [and]

18 [3.] 4. After 5 years from the date the land was acquired,  
19 the person from whom the land was acquired, or the successor in interest of that  
20 person, has the right to reacquire the land at the current market value, EXCEPT THAT  
21 IF THERE IS A WRITTEN CONTRACT OR DEED EXECUTED AFTER ~~JANUARY 1, 1970~~  
22 JANUARY 1, 1978 AND BEFORE JANUARY 1, 1980, BETWEEN THE ADMINISTRATION OR  
23 THE COMMISSION AND THE PERSON FROM WHOM THE LAND WAS ACQUIRED, OR THE  
24 SUCCESSOR IN INTEREST OF THAT PERSON, WHICH GRANTS TO THAT PERSON, OR  
25 THE SUCCESSOR IN INTEREST OF THAT PERSON, THE RIGHT TO REACQUIRE THE  
26 PROPERTY, THE TERMS AND CONDITIONS OF THAT WRITTEN CONTRACT OR DEED  
27 SHALL PREVAIL WITH RESPECT TO THE PROPERTY IN ITS ENTIRETY OR WITH  
28 RESPECT TO ANY RESIDUAL OR REMAINDER PORTION OF THE PROPERTY,  
29 NOTWITHSTANDING ANY SUBSEQUENT CONTRARY STATUTORY LAW OR RULE OF  
30 COMMON LAW; AND

31 5. IF THERE IS A WRITTEN CONTRACT OR DEED EXECUTED  
32 AFTER ~~JANUARY 1, 1970~~ JANUARY 1, 1978 AND BEFORE JANUARY 1, 1980, BETWEEN  
33 THE ADMINISTRATION OR THE COMMISSION AND THE PERSON FROM WHOM THE  
34 LAND WAS ACQUIRED, OR THE SUCCESSOR IN INTEREST OF THAT PERSON, WHICH  
35 GRANTS TO THAT PERSON, OR THE SUCCESSOR IN INTEREST OF THAT PERSON, THE  
36 RIGHT TO REACQUIRE THE PROPERTY ON PAYMENT OF AN AMOUNT EQUAL TO THE  
37 CONSIDERATION THAT THE ADMINISTRATION OR THE COMMISSION ORIGINALLY  
38 PAID FOR THE PROPERTY, THE PERSON FROM WHOM THE PROPERTY WAS ACQUIRED,  
39 OR THE SUCCESSOR IN INTEREST OF THAT PERSON, MAY REACQUIRE THE RESIDUAL  
40 OR REMAINDER OF THE LAND ON PAYMENT OF AN AMOUNT EQUAL TO THE LESSER  
41 OF:

1                           A.       THE CONSIDERATION THAT THE ADMINISTRATION OR  
2 COMMISSION ORIGINALLY PAID FOR THE PROPERTY; OR

3                           B.       THE CURRENT MARKET VALUE OF THE RESIDUAL OR  
4 REMAINDER OF THE PROPERTY.

5                           (ii)       If the right to reacquire the land as provided in subparagraph  
6 (i) of this paragraph is not exercised within 8 months after the Administration  
7 provides the notice that the land is available, the Administration shall sell the land at  
8 public auction as provided in this subsection.

9                   (2)       Before the sale:

10                   (i)       The Administration shall appraise the land; and

11                   (ii)       If the Administration believes that the land has a value of more  
12 than \$25,000, the land also shall be appraised by at least one independent, qualified  
13 real estate appraiser.

14                   (3)       The Administration shall notify the public of the sale by:

15                   (i)       Posting a notice of the sale on the land at least 2 weeks before  
16 the sale; and

17                   (ii)       Publishing the notice for 2 consecutive weeks in a newspaper  
18 that is published or has general circulation in the county in which the property is  
19 located.

20                   (4)       The notice of the sale shall:

21                   (i)       Describe generally the property to be sold;

22                   (ii)       State the date, time, and place of the sale; and

23                   (iii)       Contain any other information that the Administration  
24 considers proper.

25                   (5)       The sale shall be held on or near the land and may be conducted by  
26 Administration personnel.

27                   (6)       At the conclusion of the sale, the Administration's representative in  
28 charge of the sale shall announce publicly the name of the highest bidder and the  
29 amount of the bid. If the highest bid does not approximate the appraised value of the  
30 land, the representative may reject all bids and cancel the sale.

31                   (7)       The results of the sale shall be recorded and, if the highest bid was  
32 accepted by the Administration's representative, presented to the Administrator for  
33 approval or rejection. If the Administrator approves the sale, the Administrator may  
34 execute a deed conveying the land to the buyer.

1           (8)       If there is no bidder for the land, if all bids are rejected and the sale  
2 canceled as provided in paragraph (6) of this subsection, or if the Administrator  
3 considers all bids inadequate, the land shall be reoffered for sale within 6 months on  
4 the same terms and in the same manner as the original sale.

5           (9)       At the second sale, if there is no bidder for the land, if all bids are  
6 rejected and the sale canceled as provided in paragraph (6) of this subsection, or if the  
7 Administrator considers all bids inadequate, the Administrator may negotiate a sale  
8 of the land. If the Board of Public Works approves the negotiated sale and the deed,  
9 the Administrator may execute a deed conveying the land to the buyer.

10       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 July 1, 2004. It shall remain effective for a period of 2 years and, at the end of June  
12 30, 2006, with no further action required by the General Assembly, this Act shall be  
13 abrogated and of no further force and effect.